

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOUR SEASONS PRODUCE, INC.,

Plaintiff,

- against -

DEAN & DELUCA INCORPORATED t/a DEAN &
DELUCA, DEAN & DELUCA NEW YORK, INC. t/a
DEAN & DELUCA, DEAN & DELUCA BRANDS,
INC. t/a DEAN & DELUCA, DEAN & DELUCA
MADISON AVENUE, INC. t/a DEAN & DELUCA,
BAYANI LAURAYA, SORAPOJ TECHAKRAISRI,
and JONATHAN LEVY,

Defendants.

Case No. 19-cv-4187 (VSB)

**MOTION FOR PRELIMINARY
INJUNCTION**

Upon the accompanying declarations of Karen Buscavage, Credit Manager, and Virginia Williams, Senior Business Development Manager, of plaintiff Four Seasons Produce, Inc. ("Plaintiff"), and the accompanying memorandum in support, Plaintiff, by and through undersigned counsel, hereby moves this Court to issue a preliminary injunction pursuant to Rule 65(b) of the Federal Rules of Civil Procedure enforcing the statutory trust set forth in Section 5(c) of the Perishable Agriculture Commodities Act, 7 U.S.C. § 499e(c) ("PACA"), by restraining the transfer of any and all trust assets in the possession of defendants, Dean & DeLuca Incorporated t/a Dean & DeLuca, Dean & DeLuca New York, Inc. t/a Dean & DeLuca, Dean & DeLuca Brands, Inc. t/a Dean & DeLuca, Dean & DeLuca Madison Avenue Inc. t/a Dean & DeLuca, until there is full payment to Plaintiff of the amount of \$118,076.51 pending the final outcome of this action. Plaintiff further moves the Court to require defendants to supply to Plaintiff's counsel documentation regarding the assets of Dean & DeLuca and their related and subsidiary companies and authorizing Plaintiff's counsel to collect outstanding accounts receivable of Dean & DeLuca,

to be held in trust pending further order of this Court.

WHEREFORE, for the reasons set forth in the accompanying memorandum, Plaintiff respectfully requests that this Court grant its motion for preliminary injunction; enjoin defendants from violating the trust provisions of PACA; require defendants to set aside the sum of \$118,076.51 in trust pending further order of this Court; require defendants to supply to Plaintiff's counsel documentation regarding the assets of Dean & DeLuca and their related and subsidiary companies; and authorize Plaintiff's counsel to collect outstanding accounts receivable of Dean & DeLuca to be held in trust pending further order of this Court.

Dated: May 8, 2019

Respectfully submitted,

McCARRON & DIESS
Attorneys for Plaintiff

By: 

Gregory Brown
707 Walt Whitman Road, Second Floor
Melville, New York 11747
Phone: (631) 425-8110
Fax: (631) 425-8112
gbrown@mccarronlaw.com